

BILL NO. S-70-05-13

SPECIAL ORDINANCE NO. S-489-70

AN ORDINANCE authorizing the sale and purchase of certain real estate owned by the City of Fort Wayne and the Fort Wayne Turners Club.

WHEREAS, the City of Fort Wayne, hereinafter called the City, is the owner of real estate in Allen County, Indiana, hereinafter called the City Parcel, described as follows:

Part of the Southeast Quarter of Section 25, Township 31 North, Range 12 East, more particularly described as follows:
Beginning at the intersection of the East Right-of-way of Parnell Avenue, as it now exists, and the South property line of Fort Wayne Turners, as recorded in Deed Book 426, Page 79, in the Allen County, Indiana Recorder's Office, said point marked by an iron pipe and wooden stake, said point also being 40' normally distance East of the Center line of said Parnell Avenue; thence North $74^{\circ} 58'$ East along the aforementioned South property line, 1077.06' to a point marked by an iron pipe and wooden stake; thence South $1^{\circ} 19'$ East, a distance of 51.35' to a point marked by an iron pipe and wooden stake; thence South $57^{\circ} 08'$ West, a distance of 510.38' to a point marked by an iron pipe and wooden stake; thence South $64^{\circ} 57'$ West, a distance of 214.5' to a point marked by an iron pin and wooden stake; thence South $86^{\circ} 07'$ West, a distance of 179.45' to a point marked by an iron pipe and wooden stake; thence North $82^{\circ} 15'$ West, a distance of 241.55' to a point marked by an iron pipe and wooden stake; thence North and parallel to and 40' East of the Center line of said Parnell Avenue, a distance of 118.8', to the point of beginning, containing 4.23 acres, more or less.

Subject to a 20' utility easement carrying an 8" water main running in an east-west direction through the site and containing approximately .3 of an acre;

and

WHEREAS, Fort Wayne Turners Club, hereinafter called Turners, is the owner of real estate in Allen County, Indiana, hereinafter called the Turners Parcel, described as follows:

Beginning at a point on the East line of the West Half of the Northeast Half of Section 25, Township 31 North, Range 12 East, said point being 576.15' North of the South line of the Northeast Quarter of Section 25, said point also being on the Westerly property line of a parcel of land deeded to the City of Fort Wayne, Indiana, as recorded in Deed Book 383, Page 37-38 in the Allen County, Indiana Recorder's Office, said point is marked by an iron pipe; thence South along said East line of the West Half of the Northeast Half of Section 25, a distance of 716.15' to a point marked by a spike; thence South $76^{\circ} 14' 30''$ West, a distance of 129.13' to a point marked by an iron pipe; thence South $55^{\circ} 43' 30''$ West, a distance of 142.05' to a point marked by an iron pipe; thence due North, a distance of 345.55' to a point marked by an iron pipe; thence South $76^{\circ} 46' 30''$ West, a distance of 351.5' to a point marked by an iron pipe; said point also being the point of tangency of a curve whose radius is 739.9' and having a chord distance of 634.94'; thence in a Northeasterly direction along the arc of said curve, a distance of 655.7' to a point of tangency marked by an iron pipe; thence North $25^{\circ} 57' 30''$ East, a distance of 183.4' to the point of beginning, containing 2.88 acres, more or less.

and

WHEREAS, The Board of Public Works and Turners have determined that an exchange of the two parcels would benefit both the City and Turners and that the parcels are of approximately equal value;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

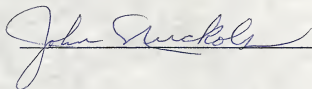
SECTION 1. The Judge of the Allen Circuit Court is hereby requested to appoint three disinterested freeholders of the City of Fort Wayne to appraise both the City Parcel and the Turners Parcel.

SECTION 2. The Mayor and the Clerk of the City are hereby authorized to execute a quit-claim deed conveying the


City Parcel, subject to the easement set forth in the description, to Turners, and to deliver said deed to Turners upon payment of not less than the value of the City Parcel determined by said appraisal.

SECTION 3. The Mayor and Board of Public Works are authorized to accept a quit claim deed conveying the Turners Parcel from the Turners to the City to apply on the purchase price of the City Parcel to the extent of the appraised value of the Turners Parcel, provided that Turners shall first have furnished to City an abstract of title showing a merchantable fee simple title to the Turners Parcel in Turners and shall furnish evidence of the authority of the person executing the Turners deed.

SECTION 4. This ordinance shall be effective from and after its passage and approval by the Mayor.

A handwritten signature in blue ink, appearing to read "John S. Nichols", is written over a horizontal line.

APPROVED AS TO FORM
AND LEGALITY,


Associate CITY ATTORNEY

Read the first time in full and on motion by Nuckols seconded by Fay and duly adopted, read the second time by title and referred to the (Committee on) Public Works (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 196____, at _____ o'clock P.M., E.S.T.

Date: 5-26-70 Thad H. Bonahoom
City Clerk

Read the third time in full and on motion by Fay seconded by Rousseau and duly adopted, placed on its passage.

Passed (Lost) by the following vote:

AYES	<u>6</u>	NAYS	<u>0</u>	ABSTAINED	_____	ABSENT	<u>3</u>	to-wit:
Adams	_____	_____	_____	_____	_____	_____	<u>✓</u>	
Dunifon	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Fay	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Geake	_____	_____	_____	_____	_____	_____	<u>✓</u>	
Nuckols	_____	_____	_____	_____	_____	_____	<u>✓</u>	
Robinson	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Rousseau	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Steigerwald	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Tipton	<u>✓</u>	_____	_____	_____	_____	_____	_____	

Date 6-9-70 Thad H. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 5-489-70

on the 9th day of June, 196 70.

ATTEST: (SEAL) Thad H. Bonahoom Herbert R. Tipton
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 196 70 at the hour of 8:30 o'clock 7 A.M., E.S.T.
Thad H. Bonahoom
City Clerk

Approved and signed by me this 10th day of June, 1970, at the hour of 9:11 o'clock A .M., E.S.T.
Harold S. Zeis
Mayor

Bill No. S-70-05-13

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
authorizing the sale and purchase of certain real estate owned by the City of
Fort Wayne and the Fort Wayne Turners Club.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

JOHN NICKOLS, Chairman

CELIA ANN FAY, Vice-Chairman

THOMAS G. ADAMS

JACK K. DIINFON

EDWIN J. ROUSSEAU

Celia Ann Fay
Jack K. Diinfon
Edwin J. Rousseau

CONCURRED IN

DATE 6-9-70 FUAD G. BONAHOOM, CITY CLERK